

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MELANIE C. LATRONICA,  
Plaintiff,

No. 2:12-cv-01047-MCE-GGH-PS

v.

ORDER

STATE OF CALIFORNIA, et al.,  
Defendants.

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Plaintiff Melanie C. Latronica previously moved for an "Emergency Protective Order" on grounds that she is "a victim of technology that's in my mind and in my neck and head." She claims to "being tapped out and violated" and states that she has "been a victim for over ten years and just recently my head was cut open." Concurrently with the above-described motion, filed on April 20, 2012, Plaintiff filed a three-page complaint that appears to allege "civil rights" and a "technical violation in my body", among other contentions. At least in the caption to the complaint, Plaintiff requests a "madatory (sic) injunction".

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1 This Court construed Plaintiff's Motion as an application  
2 for temporary restraining order and, by Order dated April 27,  
3 2012, denied that application on several procedural grounds,  
4 including Plaintiff's failure to submit an affidavit detailing  
5 her efforts to provide notice to the defendants, or,  
6 alternatively, the reasons why such notice should not have been  
7 provided, as required by Local Rule 231(c)(5).

8 Plaintiff subsequently filed both a supplement to her  
9 complaint and supporting declaration on May 16, 2012. Then, on  
10 May 31, 2012, Plaintiff filed yet another request for an  
11 "emergency protective order", this time against a Mark Churchill  
12 who, as far as this Court can ascertain, was not even mentioned  
13 in any of Plaintiff's previous filings with the court. Plaintiff  
14 appears to claim that Churchill has intercepted her phone lines,  
15 "has had people terrorizing [her] nonstop", and has had her car  
16 totaled. Plaintiff goes on to explain that "every apartment I've  
17 lived in has technology in the walls". She argues that she has  
18 been the victim of cybernetics and cyber-slavery and asks that  
19 this Court make Churchill divulge to whom she may have been  
20 "sold".

21 Plaintiff still has not established how she has provided any  
22 notice to any defendant here of the relief she now once again  
23 seeks. Even more fundamentally, there is no clear indication of  
24 what Mark Churchill did, or even whether he is a party to this  
25 lawsuit against whom any injunctive relief can be had.  
26 Plaintiff's latest application, along with the other documents  
27 previously provided to the Court, are all but incomprehensible.  
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1 In order to qualify for injunctive relief, Plaintiff must,  
2 at minimum, demonstrate a "fair chance of success" that her  
3 claims will ultimately prevail on their merits. See, e.g.,  
4 Johnson v. Calif. State Bd. Of Accountancy, 72 F.3d 1427, 1430  
5 (9th Cir. 1995). This means that Plaintiff must demonstrate some  
6 likelihood of obtaining a favorable result in her case in chief.  
7 Original Appalachian Artworks v. Topps Chewing Gum, 642 F. Supp.  
8 1031, 1034 (N.D. Ga. 1986); A&M Records, Inc. v. Napster, Inc.,  
9 239 F.3d 1004, 1005, fn. 3 (9th Cir. 2001). No matter how severe  
10 or irreparable the injury asserted, an injunction should never  
11 issue if the moving party's claims are so legally untenable that  
12 there is virtually no chance of prevailing on the merits. State  
13 of Texas v. Seatrain Int'l, S.A. 518 F.2d 175, 180 (5th Cir.  
14 1975).

15 The inherent implausibility of the claims asserted by  
16 Plaintiff makes it impossible for this Court to conclude there is  
17 any likelihood she will ultimately prevail. Consequently, the  
18 requested temporary restraining order cannot issue. Plaintiff's  
19 request for injunctive relief (ECF No. 8) is accordingly DENIED.

20 IT IS SO ORDERED.

21 Dated: June 5, 2012

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24 MORRISON C. ENGLAND, JR.  
25 UNITED STATES DISTRICT JUDGE  
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